

STEVENSON MARINOLLP

Jeffrey R. Maguire, Esq., Partner o: (212) 939-7229 f: (212) 531-6129
a: 75 Maiden Lane, Suite 402, New York, NY 10038 e: jmaguire@stevensonmarino.com

April 1, 2021

Via ECF

The Honorable Joan M. Azrack
United States District Judge for the
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Pineda v. Jobco Incorporated, et al.*
Docket No: 20-cv-5321 (JMA)(SIL)

Dear Judge Azrack:

We represent Plaintiff, Julio Pineda, and the thirteen opt-in Plaintiffs (collectively as “Plaintiffs”), in the above-referenced matter alleging wage and hour claims against their alleged former employers, Jobco Incorporated (“Jobco”), Commercial Contracting Services Inc. (“CCS”), and Jaime Delahunt (collectively as “Defendants”) under the Fair Labor Standards Act (“FLSA”) and the New York Labor Law (“NYLL”). We write now to apprise the Court that Plaintiffs and Defendant Jobco have reached a settlement on a Federal Rule of Civil Procedure 23 (“Rule 23”) class action basis in principle, and accordingly request forty-five (45) days to submit Plaintiffs’ motion for preliminary approval of the Rule 23 class action settlement.

On March 24, 2021, Plaintiffs and Defendant Jobco participated in private mediation with an experienced mediator and as a result, the parties reached a Rule 23 class action settlement in principle, fully resolving the opt-in and putative Plaintiffs’ FLSA and NYLL claims against Jobco. To ensure adequate time to prepare the settlement agreement and motion papers, the parties respectfully request forty-five (45) days, or until May 17, 2021, to file a motion for preliminary approval of a Rule 23 class action for the putative class.

Additionally, as of this date, Defendant CCS and its owner, Jaime Delahunt, have failed to timely appear in the action and are therefore in default. Plaintiffs anticipate requesting a certificate of default and subsequently moving for a default judgment as against Defendants CCS and Delahunt with respect to the fourteen Plaintiffs opted into this case.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Maguire', is written over a horizontal line.

Jeffrey R. Maguire, Esq.

For the Firm

To: Counsel for Defendant Jobco (via ECF)

Commercial Contracting Services Inc. (via First Class Mail)

Jaime Delahunt (via First Class Mail)